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ATTORNEYS FOR DEFENDANT
FACEBOOK, INC.

13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **OAKLAND DIVISION**

17 HYPERMEDIA NAVIGATION LLC.

18 Plaintiff,

19 v.

20 FACEBOOK, INC.,

21 Defendant.

Case No. 4:17-cv-05383-HSG

STIPULATION ~~AND PROPOSED~~
ORDER STAYING LITIGATION
PENDING *INTER PARTES*
REVIEWS

Judge: Hon. Haywood S. Gilliam, Jr.

1 **WHEREAS** Plaintiff Hypermedia Navigation LLC (“Hypermedia”) filed a Complaint
2 against Defendant Facebook, Inc. (“Facebook”) alleging infringement of U.S. Patent Nos. 7,383,323,
3 7,383,324, 7,424,523, 7,478,144, 7,769,830, 8,250,173, and 9,083,672 (collectively the “Original
4 Complaint Patents-in-Suit”) (Dkt. No. 1);

5 **WHEREAS** Hypermedia filed an Amended Complaint against Facebook alleging
6 infringement of U.S. Patent Nos. 9,772,814, and 9,864,575 (collectively the “Amended Complaint
7 Patents-in-Suit”) (Dkt. No. 59);

8 **WHEREAS** Facebook filed Petitions for *Inter Partes* Review (“IPR”) of each of the
9 Original Complaint Patents-in-Suit;

10 **WHEREAS** Facebook will file Petitions for IPR of both of the Amended Complaint Patents-
11 in-Suit from within 30 days of entry of this Stipulation as an Order by the Court;

12 **WHEREAS** pursuant to 35 U.S.C. §§ 313-314 and 37 C.F.R. § 42.107(b), the Patent Trial
13 and Appeal Board (“PTAB”) must determine whether to institute an IPR proceeding within six
14 months of the accorded filing date of a Petition;

15 **WHEREAS** Hypermedia and Facebook have met and conferred and discussed ways to
16 conserve judicial and party resources and promote judicial economy;

17 **WHEREAS** this case is still in its early stages, very limited substantive written discovery
18 has taken place, no depositions have been noticed or taken, no expert discovery has occurred, claim
19 construction briefing is in early stages, and no *Markman* hearing has taken place or *Markman* order
20 issued; and

21 **WHEREAS** the parties agree to stay all deadlines pending issuance of institution decisions
22 by the PTAB on Facebook’s Petitions for IPR;

23 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between
24 the undersigned counsel for the parties and subject to the approval of the Court, that:

25 1. All deadlines and hearings in this action are STAYED until further order of the Court
26 pending issuance of the institution decisions under 35 U.S.C. § 314 in Facebook’s Petitions for IPR
27 of all Patents-in-Suit;

28 2. Within 30 days of issuance of institution decisions in Facebook’s Petitions for IPR of

1 all Patents-in-Suit, Facebook and Hypermedia will meet and confer to discuss next steps in light of
2 the PTAB institution decisions and submit a Case Management update to the Court; and

3 3. Facebook agrees to file Petitions for IPR of the Amended Complaint Patents-in-Suit
4 within 30 days of entry of this Stipulation as an Order by the Court.

5
6 IT IS SO STIPULATED, through Counsel of Record.

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8 Dated: October 15, 2018

NI, WANG & MASSAND, PLLC

9
10 /s/ Hao Ni

Hao Ni

Attorneys for Plaintiff

HYPERMEDIA NAVIGATION LLC

11
12 Dated: October 15, 2018

COOLEY LLP

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14 /s/ Heidi L. Keefe

Heidi L. Keefe

Attorneys for Defendant

FACEBOOK, INC.

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19 **FILER'S ATTESTATION**

20 Pursuant to Civil Local Rules 5.1(i)(3), I attest that concurrence in the filing of this document
21 has been obtained from each of the other signatories above.

22
23 Dated: October 15, 2018

/s/ Heidi L. Keefe

Heidi L. Keefe

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25 ///


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ORDER

Pursuant to Stipulation, IT IS SO ORDERED.

Dated: October 24, 2018


Hon. Haywood S. Gilliam, Jr.
UNITED STATES DISTRICT COURT